

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MARK GEINOSKY,

Plaintiff,

-vs-

CITY OF CHICAGO, et al.,

Defendants.

Case No. 10 C 1438

Chicago, Illinois
September 9, 2010
9:30 o'clock a.m.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JOHN W. DARRAH

APPEARANCES:

For the Plaintiff:

LAW OFFICES OF LAWRENCE V. JACKOWIAK
BY: MR. LOUIS JOSEPH MEYER
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Suite 1700
Chicago, Illinois 60602

For the Defendants:

CITY OF CHICAGO DEPARTMENT OF LAW
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1 THE CLERK: 10 C 1438, Geinosky versus City of
2 Chicago.

3 MR. MEYER: Good morning, your Honor. Louis Meyer
4 for the plaintiff.

5 THE COURT: Good morning, Mr. Meyer.

6 MS. KOSZTYA: Good morning, your Honor. Ashley
7 Kosztia on behalf of the city.

8 THE COURT: Good morning, Ms. Kosztia.

9 MS. MC DONALD: Good morning, Judge. Mary McDonald
10 on behalf of defendants.

11 THE COURT: Good morning, Ms. McDonald.

12 MS. DE ROSA: Good morning, your Honor. Colleen
13 DeRosa on behalf of defendants.

14 THE COURT: Good morning, Ms. DeRosa.

15 This is plaintiff's motion to file a first amended
16 complaint. The defendants have filed a motion to dismiss the
17 original complaint and that's fully briefed.

18 MS. MC DONALD: That's correct, Judge.

19 THE COURT: This complaint -- I haven't compared
20 them, but your motion recites that you're adding a conspiracy
21 count and adding some additional defendants. Is that right?

22 MR. MEYER: That's correct, your Honor. Through
23 the case we had received an IAD file for the underlying
24 investigation into this incident of the parking tickets.
25 There was over 1700 pages of documents. It took me a long

1 time to go through that. Through that I learned that other
2 officers were involved.

3 The IAD investigator actually came to the
4 conclusion that this group got together and conspired to
5 issue these false tickets to Mr. Geinosky. We brought them
6 in on a conspiracy claim that they were co-conspiring (sic)
7 to issue these tickets, and the last ticket would fall within
8 the two-year date.

9 THE COURT: Okay.

10 MS. MC DONALD: Judge, in response, I don't agree
11 with Mr. Meyers' characterization of what the IAD
12 investigator concluded.

13 THE COURT: Disagreements are not uncommon in here,
14 Ms. McDonald.

15 MS. MC DONALD: Okay. The IAD investigation is
16 going to another level of review. So that being said, I
17 still feel very strongly that there's no constitutional claim
18 here. The plaintiff has received -- you know, as we argued
19 in our brief -- I don't want to rehash the arguments --

20 THE COURT: I have not read the briefs yet, but I'm
21 going to grant the motion to file a first amended complaint.
22 The briefs will be withdrawn, and the motion will be
23 withdrawn, and you can refile the motion as you see fit
24 directed against the first amended complaint.

25 But it would be nothing but confusion if we're

1 trying to resolve issues in the original complaint while a
2 new amended complaint raises additional issues. So that's
3 not going to serve anybody.

4 MS. MC DONALD: Okay, Judge.

5 THE COURT: Have you looked at the first amended
6 complaint?

7 MS. MC DONALD: Yes. We will be moving to refile
8 our motion to dismiss, your Honor.

9 THE COURT: Shall we put that in place now or --

10 MS. MC DONALD: I'm sorry?

11 THE COURT: Can we put a briefing schedule in place
12 now for that?

13 MS. MC DONALD: Sure.

14 THE COURT: How much time would you need to file a
15 motion to dismiss the first amended complaint?

16 MS. MC DONALD: Could we please have 30 days?

17 THE COURT: Certainly.

18 THE CLERK: October 12th.

19 THE COURT: Response?

20 MR. MEYER: 21 days, your Honor.

21 THE COURT: All right.

22 THE CLERK: November 2nd.

23 THE COURT: 14 days for reply.

24 THE CLERK: November 16th.

25 THE COURT: And the original motion is stricken on

1 motion of the Court.

2 MS. MC DONALD: Judge, with --

3 THE COURT: Excuse me one second. Did you give a
4 status date?

5 THE CLERK: January 11th, 2011, at 9:30.

6 THE COURT: Okay. I'm sorry I interrupted you, Ms.
7 McDonald.

8 MS. MC DONALD: Two questions, your Honor.

9 Our discovery was set to close September 20th, so
10 obviously we're going to need some type of new cutoff date.

11 THE COURT: Is there a trial date in place as well?

12 MS. MC DONALD: I believe you scheduled January
13 of 2011.

14 THE COURT: Okay. We'll move it to -- we'll vacate
15 those dates and we will schedule the matter for further
16 proceedings on the status date.

17 MS. MC DONALD: Okay. And, Judge, one further
18 quick question.

19 Your standing order requires us to file a motion
20 for summary judgment --

21 THE COURT: We'll reschedule all of that.

22 MS. MC DONALD: I'm sorry?

23 THE COURT: We will reschedule all of that on the
24 next status date.

25 MS. MC DONALD: Thanks, Judge.

1 THE COURT: Okay. So it's clear that whatever
2 dates are set for close of discovery, that the 30-day period
3 for filing dispositive motions will run from that date.

4 MS. MC DONALD: From the new dates?

5 THE COURT: Yes.

6 MS. MC DONALD: Thank you.

7 THE COURT: You're welcome.

8 MR. MEYER: Thank you, your Honor.

9 THE COURT: You're welcome.

10 MS. MC DONALD: Have a good day.

11 THE COURT: You too.

12 (Which were all the proceedings heard.)

13 CERTIFICATE

14 I certify that the foregoing is a correct transcript
15 from the record of proceedings in the above-entitled matter.

16
17 */s/ Mary M. Hacker*

October 28, 2010

18 _____
19 Mary M. Hacker
Official Court Reporter

Date